



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Alan K. SMITH, et al.

SERIAL NO: 09/027,671

GAU: 1644

FILED: February 23, 1998

EXAMINER: Saunders

FOR: HUMAN LINEAGE COMMITTED CELL COMPOSITION WITH ENHANCED PROLIFERATIVE POTENTIAL, BIOLOGICAL EFFECTOR FUNCTION, OR BOTH; METHODS FOR OBTAINING SAME; AND THEIR USES

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

AASTROM BIOSCIENCES, INC., is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 010588, frame(s) 0814.

AASTROM BIOSCIENCES, INC., hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,835,566, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,835,566, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

AASTROM BIOSCIENCES, INC., does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,835,566 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

03/14/2006 HALI11 00000060 09027671

02 FC:1814

130.00 0P

3/13/2006

Date Signed

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Jean-Paul Lavalleye
Registration No. 31,451

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)